

**REMARKS**

This is in full and timely response to the Office Action mailed on April 29, 2008.

Claims 1-15 are currently pending in this application.

*No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested

Paragraph 2 indicates a rejection of claims 1-6, and 12-15 under 35 U.S.C. §103 as allegedly being unpatentable *U.S. Patent Application Publication No. 2004/0027942 (Sako'942)* in view of U.S. Patent No. 5,541,902 (Ten Kate).

Paragraph 3 indicates a rejection of claims 7-9 under 35 U.S.C. §103 as allegedly being unpatentable *U.S. Patent Application Publication No. 2004/0027942 (Sako'942)* in view of U.S. Patent No. 5,541,902 (Ten Kate) and in further view of U.S. Patent No. 6,937,549 (Nozaki).

Paragraph 4 indicates a rejection of claim 10 under 35 U.S.C. §103 as allegedly being unpatentable *U.S. Patent Application Publication No. 2004/0027942 (Sako'942)* in view of U.S. Patent No. 5,541,902 (Ten Kate) and in further view of U.S. Patent Application Publication No. 2003/0161233 (Sako'233).

Paragraph 5 indicates a rejection of claim 11 under 35 U.S.C. §103 as allegedly being unpatentable *U.S. Patent Application Publication No. 2004/0027942 (Sako'942)* in view of U.S. Patent No. 5,541,902 (Ten Kate), in further view of U.S. Patent Application Publication No. 2003/0161233 (Sako'233), and in further view of U.S. Patent No. 5,995,704 (Shido).

If the allowance of the claims is not forthcoming at the very least and a new grounds of rejection made, then a *new non-final Office Action* is respectfully requested at least for the following reasons.

This rejection is traversed at least for the following reasons.

**Present application** - The present application was filed after November 29, 1999.

*Sony Corporation* is the real party in interest of the present application. An assignment of all rights in the present application to *Sony Corporation* was executed by the inventor and recorded by the U.S. Patent and Trademark Office at reel 015678, frame 0806.

**Sako'942**- *Sony Corporation* is the real party in interest of Sako'942. An assignment of all rights in Satoh to *Sony Corporation* was executed by the inventor and recorded by the U.S. Patent and Trademark Office at reel 014365, frame 0065.

**Common ownership** - The present application and Sako'942 were, at the time the invention of the present application was made, commonly owned by Sony Corporation of Tokyo, Japan. But pursuant to 35 U.S.C. §103(c) and M.P.E.P §706.02(l)(1), *Sako'942 is disqualified as prior art* for the purpose of a rejection under 35 U.S.C. §103.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

### **Official Notice**

There is no concession as to the veracity of Official Notice, if taken in any Office Action.

An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd.

Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

**Extensions of time**

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

**Fees**

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

**Conclusion**

This response is believed to be a complete response to the Office Action. Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: August 28, 2008

Respectfully submitted,

By

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